

54

Notice of Allowability	Application No.	Applicant(s)	
	09/361,478	PARCE ET AL.	
	Examiner	Art Unit	
	Carol S. Tsai	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/14/2006.
2. ☒ The allowed claim(s) is/are 1,3-11,14 and 15, now renumbered as 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 4/17/2002.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|--|

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 3-11, 14, and 15 are allowed.
2. The following is an examiner's statement of reasons for allowance:

U. S. Publication 2004/0063162 to Dunlay et al. in view of U. S. Patent No. 6,500,323 to Chow et al. are references closest to the claimed invention. Dunlay et al. in combination with Chow et al. disclose a computer implemented method of controlling an analytical instrument that analyzes microfluidic devices, comprising: receiving a sequence of steps, each step specifying at least one well of a microfluidic device, a value indicative of a driving force to be applied to fluid in the at least one well and a duration for applying the driving force specified by the value to the fluid in the at least one well; for each step, applying the driving force specified by the value to the fluid in the at least one well; and scanning fluid as it passes a detection zone in the microfluidic device in order to analyze the fluids in the microfluidic device. However, the rejection is overcome because the present application and U. S. Patent No. 6,500,323 to Chow et al. filed before November 29, 1999 were, at the time the invention of the present application was made, owned by the present Assignee, Caliper Technologies Corp. of Mountain View, California. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

U. S. Publication 2004/0063162 to Dunlay et al. in view of U. S. Patent No. 6,500,323 to Chow et al. are references closest to the claimed invention. Dunlay et al. in combination with Chow et al. disclose a system, comprising: an instrument that controls and analyzes a microfluidic device; a computer including a processor and a computer readable medium, the

Art Unit: 2857

computer being capable of directing the instrument to apply a driving force to fluid in wells of the microfluidic device; and code stored on the computer readable medium that includes a sequence of steps, each step specifying at least one well of a microfluidic device, a value indicative of the driving force to be applied to fluid in the at least one well in order to drive the fluid along a channel in the microfluidic device and a duration for applying the driving force specified by the value to the fluid in the at least one well. However, the rejection is overcome because the present application and U. S. Patent No. 6,500,323 to Chow et al. filed before November 29, 1999 were, at the time the invention of the present application was made, owned by the present Assignee, Caliper Technologies Corp. of Mountain View, California. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

cswt
September 13, 2006
Art Unit 2857


CAROL S.W. TSAI
PRIMARY EXAMINER